

**State of Connecticut**  
GENERAL ASSEMBLY  
JUDICIARY COMMITTEE

**Judicial Nomination Questionnaire of:**

Lubie Harper, Jr

**ATTACHMENT**

**10. List any Post-Law School Studies or Courses, including Judicial Clerkship**

**Continuing Judicial Education (1997 to Present):**

Judicial Branch-Participated in numerous workshops and seminars provided by the Judicial Branch, 1997 to present

**Continuing Legal Education (Previous):**

Chicago Title Insurance Seminar, "Foreclosures," Trumbull Marriot, Trumbull, Conn., February, 1995

Lorman Business Center, Inc., "Mortgage Foreclosure in Connecticut" The Marriot Hotel, Farmington, Conn., June 1994

Chicago Title Insurance Underwriting Seminar, "Real Estate Settlement & Procedures Act (RESPA)," "New Survey Standards," "New Realtor Lien Law," Indian Land Claims Update," and "Limited Liability Companies," Trumbull Marriot, Trumbull, Conn., February 9, 1994

National Association of Bond Lawyers, "Arbitrage Tax Seminar," Orlando, Florida, February 25-26, 1993

National Association of Bond Lawyers, "Fundamentals of Municipal Bond Law Seminar," Denver, Colorado, April 21-23, 1993

Sixteenth Annual Bond Attorney's Workshop, Marriot Hotel, Chicago, Illinois, September 11-13, 1991

National Bas Association, "Civil Trial Matters Series-Seminar on Closing Statements," Westin Hotel, Indianapolis, Indiana, August 7, 1991

National Association of Bond Lawyers, "Fundamentals of Municipal Bond

Law Seminar," New Orleans, Louisiana, April 3-5, 1991

Data Research, Inc., "School District Employee and Student Discipline,"  
Tara Hyannis Hotel and Resort, West End Circle, Hyannis Massachusetts,  
October 24-26, 1990

Connecticut Trial Lawyers Association, "Appellate Review and Legislative  
Update," 500 Blake Street Café, New Haven, Conn., June 21, 1990

Connecticut Trial Lawyers Association Seminar, "Criminal Litigation," Ramada  
Inn, East Hartford, Conn., November 4, 1989

Connecticut Trial Lawyers Association Seminar, "The Presentation of Medical  
Evidence in Court, Jury and Arbitration Trials," Bridgeport Hilton, Bridgeport  
Conn., November 19, 1988

National Organization on Legal Problems of Education (NOLPE) National  
Convention, Washington Hilton, Washington, D.C., November 19, 1988

Connecticut Trial Lawyers Association Seminar, "Nuts and Bolts," Ramada  
Inn, Meriden, Conn., October 29, 1988

Connecticut Bar Association Seminar, "Basic Residential Real Estate Closings:  
Issues, Title Procedures and Recent Developments," Days Inn, Bridgeport,  
Conn., November 8, 1986

Connecticut Bar Association, "Trial Advocacy Seminar (Civil),"  
Park Plaza Hotel, New Haven, Conn., October 4, 5, and 25, 1985

The University of Connecticut Alumni Association, Inc., "Survey of Insurance Law,"  
Law School Auditorium, West Hartford, Conn., April 28, 1984

Connecticut Trial Lawyers Association, "1982 Annual Litigation Seminar"  
West Haven, Conn., October 23, 1982

Connecticut Bar Association, "Annual Survey of Connecticut Labor Law Developments  
in 1981," Park Plaza Hotel, New Haven, Conn., June 14, 1982

New England Law Institute, Inc., "An Intensive Nine Day Seminar in Trial Advocacy"  
Western New England College of Law, July 20-29, 1980

**18. Have you ever been sued or had a claim against you for malpractice? Yes**

Since my appointment to the Appellate Court, I have been named as one of several  
defendants in four legal proceedings relating to my role as a member of the Appellate  
Court, these matters are:

*Jerome T. Dunbar v. William J. Lavery, et al.*: Docket 3:05-mc-00243 filed August 2, 2005 and transferred to docket 3:05-cv-01233 on August 4, 2005. Judgment entered for Judicial Branch defendants on September 26, 2005.

*Larry L. Daigneault v. State of Connecticut Judicial Branch, et al.*: Docket 3:07-cv-122, filed January 25, 2007 and dismissed March 26, 2007. Notice of Appeal filed April 18, 2007 and appeal dismissed and judgment affirmed May 5, 2009.

*Ronald Patterson v. Chase Rogers, et al.* Docket 3:10-cv-00579 filed April 15, 2010, judgment dismissing the complaint entered May 4, 2010. Notice of Appeal to the Second Circuit, Docket 10-3225, filed August 10, 2010. The appeal is still pending.

*Anne M. Bradley v. Kevin Lawlor, et al.*: Docket 3:11-cv-00047, filed January 7, 2011.

While functioning in my judicial capacity at the Superior Court a legal proceeding was initiated against me and other state-related employees in 1999 and involved a most unintelligible complaint filed by Mark P. Kunick. The complaint was filed in the United States District Court for the District of Connecticut and alleges various constitutional violations. Mr. Kunick is a defendant I held in contempt on two occasions. I have enclosed a copy of the complaint, a copy of my letter to Attorney Martin R. Libbin and a copy of Attorney Libbin's letter to former Attorney General Blumenthal.

In a proceeding involving a factual background that predates my appointment to the bench, I was cited as a party along with six other defendants in a civil action brought in 2001 by the FDIC against Attorney Janice Farrell, et al (Civil Case # 01-4770). The action was filed in the United States District Court of New Jersey and essentially claims that the defendants committed legal malpractice by assigning a particular matter to Janice Farrell. Specifically, the plaintiff claims, inter alia, that Ms. Farrell settled a litigated matter without the authority or consent of the FDIC. The complaint contains no allegation of wrongdoing by me, however, the plaintiff seeks to hold me responsible under the theory of vicarious liability. I have enclosed for your information a copy of the complaint and a copy of the defense expert opinion.

Lastly, prior to my appointment to the bench, I was a major real estate investor and developer in the 1980's. When the real estate market collapsed, I was subject to lawsuits from a number of lenders.

**20. Service on community boards or charitable agencies or educational institutions.**

**Civic Activities**

Member of the Advisory Board for the Legal Studies Program at the University of New Haven (August 2004 to present)

Board of Governors of the University of New Haven - Former member

New Haven Civil Service Commission - Former Member

The Dixwell Avenue United Church of Christ - Former Member of the  
Christian Social Action Committee

NAACP - Former Member

The University of Connecticut Law School Alumni Association, Inc.  
Member of the Board of Directors, June 15, 1995 to 1997

The Shirley Frank Foundation, Member of the Board of Directors, 1983  
to March, 1985

President of the Board of Directors, New Haven Legal Assistance Association  
(Member since 1976) 1979 - 1991

Member of the Human Investigation Committee of the Yale New Haven  
Medical Center, 1976 to 1977

Ulyssess S. Grant Foundation, Member of the Board of Directors,  
1976

Homemakers Service Bureau, Member of the Board of Directors,  
1976

Member of the 1975 Legislative Committee of the Connecticut  
Association of Secondary Schools, Inc., 1974

Urban League of Greater New Haven, Member of the Board of Directors  
1973

Children's Museum of Greater New Haven, Member of the Board of  
Directors 1973

Dixwell Legal Rights Association, Inc., Vice-President of the Board of  
Directors 1968

Better Business Bureau of Greater New Haven, Member of the Board of  
Directors, 1968 to 1970

Chairman of the Consumer Business Council of the Better Business  
Bureau of Greater New Haven, 1968 to 1970

Omega Psi Phi Fraternity - Member of the Chi Omicron Chapter, 1968 to Present

**25. Has a complaint against you ever been before the Judicial Review Council? Yes**

There have been a total of four complaints against me before the Judicial Review Council. Two of the complaints were brought during my tenure on the Appellate Court. The first of these was brought by Ronald Patterson on October 9, 2008. The council determined that there was no violation of the Code of Judicial Conduct and dismissed the complaint on November 11, 2008. The second complaint was brought on December 2, 2009, and was dismissed on December 16, 2009, because it was time-barred.

While on the Superior Court, there were two complaints against me before the Judicial Review Council. One complaint was filed on August 6, 2001, by Terrence Holmes. Mr. Holmes was found guilty after a jury trial of assault in the first degree and was subsequently sentenced by me to a term of 20 years of imprisonment. In his complaint, Mr. Holmes erroneously alleged, in essence, that I am the half brother of his uncle and that his aunt is my sister-in-law and consequently my presiding over the jury trial constituted a conflict of interest. The complaint was dismissed by the Council on September 19, 2001.

Another complaint submitted to the Judicial Review Council involved an anonymous letter dated April 10, 2003, concerning Isschar Howard. Mr. Howard was found guilty after a jury trial of capital felony, criminal possession of a firearm and carrying a pistol without a permit and was subsequently sentenced by me to a term of life imprisonment without the possibility of release plus seventeen years. In the anonymous complaint, it was erroneously alleged, in essence, that I was related to one of the victims, and consequently it was unethical for me to preside over Mr. Howard's jury trial. The complaint was not acted upon because it did not contain the name of the complainant and was simply forwarded to me for my information.